

REMARKS

Claims 2-3, 5-17, and 19-26 are pending in the present application. Claims 2, 9, 22, and 24 are independent.

The claims have been amended to correct minor informalities and to clarify the invention according to U.S. practice. These modifications do not add new matter.

35 U.S.C. § 102 and § 103 Rejections

Claims 2, 3, 5-16, 20, 22, and 24-26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Carr et al. (U.S. Patent No. 5,608,446). Claims 17, 19, 21, and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr et al. (U.S. Patent No. 5,488,412). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Carr et al. is directed to a data communications apparatus selectively employing either a bi-directional low bandwidth channel 26 or a uni-directional high bandwidth channel 28 (28A-28N). In Carr et al., the router 42 receives digital data from the telecommunication network 14. The router 42 forwards the received digital data to the control processor 48, which determines whether the received digital data should be provided to a customer premise equipment 20 via the bi-directional low bandwidth channel 26 or the uni-directional high bandwidth channel 28.

In the previous Reply, Applicants argued that the channels 26 and 28 are both analog channels and that thus there is no transmitting the OSD either in an analog form to a switching unit through an analog connection or in digital form to the switching through a digital connection, as required by independent claim 2. Similar features are recited in other independent claims 9, 22, and 24. In response to this argument, the Examiner states that the modems 54A – 54N of Carr et al. translate the incoming analog signals into digital format carried out by the ETHERNET network 50, as set forth in Column 4, lines 26-32 of Carr et al. However, this discussion in Carr et al. pertains to processing the analog signals received from the PSTN 24 and

transmitting the processed signal (now converted into digital format) to the ETHERNET network 50. See Column 4, lines 32-37 which discusses that the analog signal received from the PSTN network 24 is converted to the digital format by the modems 54A – 54N and sent to the router 42 to be transmitted to the destination enhanced service provider 10. This process is provided because the low speed channel 26 is a bi-directional low bandwidth channel. In other words, when the modems 54 receive the digital packets from the hub 52 to be sent to the PSTN 24, it converts the digital packets into analog format for the low bandwidth channel 26 and the PSTN network 24. Thus, Carr et al. in fact teaches that the channel 26 is indeed an analog channel as asserted by Applicants previously.

Furthermore, the Examiner confirms that the high bandwidth channel 28 associated with the cable distribution head end 30 is an analog channel by stating that “it is well known in the art that this cable television distribution system was designed to transmit mainly analog television channels”, as set forth on page 14, lines 14-16 of the Office Action dated July 8, 2005. Accordingly, as asserted by Applicants, Carr et al.’s channels 26 and 28 are indeed both analog channels and thus Carr et al. lacks transmitting the OSD in either an analog form or a digital form to the switching unit, as required by the independent claims.

In the previous Reply, Applicants also argued that in Applicants’ invention, the OSD is transmitted to one source (switching unit) whether the OSD is transmitted over an analog or digital terminal connection. In response, the Examiner states that the router 42 of Carr et al. functions as this switching unit. Applicants respectfully disagree. In Carr et al., the router 42 may decide a destination for the received data. However, in Carr et al., the data that the router 42 receives is digital data and the data that the router 42 transmits is also digital data. In other words, the router 42 of Carr et al. at no times receives the OSD in analog form through an analog connection as required by the independent claims. Thus Carr et al.’s router 42 is not and cannot be equated to Applicants’ claimed switching unit.

Moreover, independent claim 2 now requires, *inter alia*, “determining whether a contents request signal is generated; determining whether information requested by the contents request

signal is an OSD, if the contents request signal is generated; if so, checking a volume of the OSD". Other independent claims 9 and 22 have similar features. These features are neither taught nor suggested by Carr et al. since Carr et al. merely discloses a graphical user interface and does not describe the specific features of checking the volume of the OSD and determining how the OSD should be transmitted depending on the checked volume, if a contents request signal is generated. No specific features or steps on how to process an OSD are discussed in Carr et al. and thus, it would not have been obvious to modify Carr et al.'s mere disclosure of the graphical user interface to render the specific features associated with the OSD determination as required by the claims.

In view of the foregoing reasons, independent claims 2, 9, 22, and 24 and their dependent claims (due to their dependency) are patentable over the applied reference. Reconsideration of each of the above arguments and previously submitted arguments, and withdrawal of the rejections are respectfully requested.

Conclusion

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and an early issuance of a Notice of Allowance is respectfully requested.

The Examiner is respectfully requested to enter this Amendment After Final Action, in that it raises no new issues but merely places the claims in a form more clearly patentable over the references of record. In the alternative, the Examiner is respectfully requested to enter this Amendment After Final Action in that it reduces the issues for appeal.

Applicants respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and 1.17 for a three month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of \$1,020.00 attached hereto. A Notice of Appeal and fee are concurrently filed.

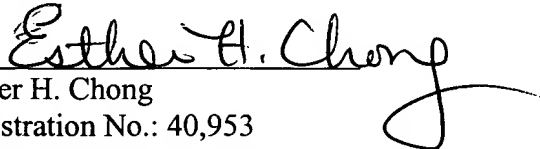
Application No. 09/903,656
Amendment dated January 9, 2006
After Final Office Action of July 8, 2005

Docket No.: 0630-1284P

Should there be any matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below. For the foregoing reasons and in view of the above clarifying amendments, Applicant(s) respectfully requests the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicits an early issuance of a Notice of Allowance.

Dated: January 9, 2006

Respectfully submitted,

By 
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